

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT

ESSEX, ss

Docket No. ES09E0094QC

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)  
ALEXANDER B.C. MULHOLLAND, JR., )  
PETER FOOTE, DONALD WHISTON, JAMES )  
FOLEY, ELIZABETH KILCOYNE, PATRICK )  
J. MCNALLY, and INGRID MILES, as they are )  
the Feoffees of the Grammar School in the Town )  
of Ipswich, )  
)  
*Plaintiffs,* )  
v. )  
)  
ATTORNEY GENERAL OF THE )  
COMMONWEALTH OF MASSACHUSETTS, )  
IPSWICH SCHOOL COMMITTEE, and )  
RICHARD KORB, as he is Superintendent of )  
Schools in the Town of Ipswich, )  
)  
*Defendants.* )  
\_\_\_\_\_ )

**MOTION FOR LEAVE TO FILE AMICUS BRIEF**

Douglas J. DeAngelis, on behalf of a large group of parents and residents of Ipswich (the “Beneficiary Group”), hereby respectfully requests leave from this Honorable Court to file an amicus brief in opposition to the motion for partial summary judgment by the Feoffees of the Grammar School of Ipswich (the “Feoffees”), stating as follows:

1. As of the date of this motion, The Beneficiary Group is comprised of more than 400 individuals, with more than 350 schoolchildren in the Ipswich school system collectively.<sup>1</sup> Each member of the Beneficiary Group has given explicit permission to have his or her name

<sup>1</sup> The current members of the Beneficiary Group are listed on the schedule attached to the amicus brief as Exhibit A. The Beneficiary Group is expected to grow even larger by the time of the hearing in this matter on January 31, 2011.

attached to the amicus brief. It is not a passive or disinterested group. Public opposition to the proposed sale of Little Neck and the Feoffees' administration of the Trust is strong.

2. The size of the Beneficiary Group is significant. To achieve a quorum in a Town Meeting in Ipswich, 200 residents must be present, meaning that important decisions within the Town often get made with a majority vote of just over 100 residents. The Beneficiary Group is more than quadruple that size, and growing. It has been only one week since assembly of the Beneficiary Group first began.

3. The Beneficiary Group seeks leave to file an amicus brief in opposition to the Feoffees' motion for the following reasons:

a. The Beneficiary Group is made up of *actual* beneficiaries of the Trust, and their voice and their concerns have not yet been heard;

b. As the actual beneficiaries, whose children attend the Ipswich schools, whose grandchildren and great-grandchildren will attend the Ipswich schools, and whose taxes are helping to fund the legal costs incurred in this action, the Beneficiary Group's perspective – not only on the proposed sale of Little Neck, but also on the proper administration of the Trust – should be heard; and

c. Despite the fact that the Feoffees' argument for reasonable deviation and to sell Little Neck is purportedly to benefit the Ipswich schools, the Beneficiary Group is opposed to the sale for reasons that are different in many respects from those offered by the School Defendants, as explained more fully in the Beneficiary Group's amicus brief.

4. For example, the Beneficiary Group addresses and expands upon the concerns of the Ipswich Planning Board, which wrote a letter to the Court about the possible negative effects of the proposed sale of Little Neck for specific inclusion in the amicus brief.

5. The amicus brief has been filed herewith.

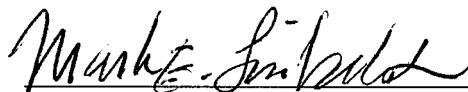
6. The Court's consideration of the amicus brief would not delay these proceedings, would not cause the parties to incur additional expense, and would not otherwise prejudice the parties.

WHEREFORE, the Beneficiary Group respectfully requests leave from this Honorable Court to file an amicus brief in opposition to the Feoffees' motion for partial summary judgment, and further requests such other relief as is deemed just and appropriate.

Respectfully submitted,

DOUGLAS J. DeANGELIS, on behalf of the  
Beneficiary Group,

By his attorneys,



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Dated: January 27, 2011

**CERTIFICATE OF SERVICE**

I, Mark E. Swirbalus, hereby certify that on this 27th day of January, 2011, I served a copy of the foregoing by electronic and regular mail upon the following:

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Mark E. Swirbalus